

**REMARKS**

Reconsideration of the application is respectfully requested.

**I. Status of the Claims**

Claims 17 and 19 - 27 are presently pending, with claims 1 - 16, 18 and 28 having been previously canceled. In this Response, the Applicants amend claims 17, 19 and 21. No new matter is introduced. Support for the amendments may be found, for example, in the Applicants' specification at page 3, lines 18 - 27; page 4, lines 2 - 4; p. 16, line 24, with reference to the Applicants' FIG. 6 (C); page 8, lines 11 -13; and page 5, lines 13-15.

**II. Rejections Under 35 U.S.C. §§ 102, 103**

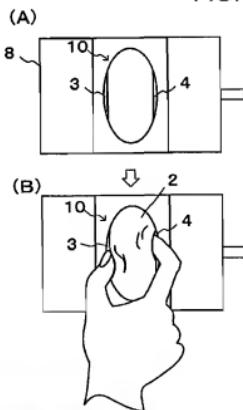
Claims 17, 19, 24 and 25 are rejected under 35 U.S.C. § 102(b) as being anticipated by International Patent Publication No. WO 99/01093 to Wierlacher ("Wierlacher"). Claims 20 - 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wierlacher. Claims 26 - 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wierlacher in view of U.S. Patent No. 6,131,736 to Farris *et al.* ("Farris"). The Applicants amend claims 17, 19, and 21 to further clarify the nature of their invention, and respectfully traverse the rejections of claims 17 and 19 - 27 under 35 U.S.C. §§ 102, 103.

Wierlacher discloses an interlabial pad that is folded along a longitudinal center line to be worn by a wearer (see, *e.g.*, abstract of Wierlacher). With reference for example to FIG. 2 of

Wierlacher, the disclosed interlabial pad includes an absorbent body 24, a surface side sheet 22 and a rear surface side sheet 23. A fingertip opening is created in a space 64 between the rear side surface 23 and holding means 58 (see, e.g., FIG. 5b of Wierlacher). At page 22, second paragraph, Wierlacher discloses that alternative embodiments of the interlabial pad may include more than one strip of material 58, and that the strips may be arranged as a series of loops allowing “the insertion of at least one user’s finger.”

In a Response to the Office Action of October 31, 2007, the Applicants clarified that the fingertip openings of the Applicant’s claimed invention are “respectively located at left and right side edges of the interlabial pad, longitudinally positioned near a central area along the longitudinal axis (see, e.g., fingertip insert openings 3, 4 as illustrated in the Applicants’ FIGs. 6(A), 6(B) below)”,

FIG. 6



and that this feature is not described in Wierlacher. Further, the Applicants respectfully submitted that it was “unreasonable to assume that Wierlacher suggests a series of loops that provide openings located at left and right side edges of the interlabial pad. Rather, as the structure of Wierlacher’s interlabial pad fastens holding means 58 laterally across a longitudinally-oriented space 64, it is clear that the opening(s) formed by the series of loops would not be positioned at the side edges of the interlabial pad, but nearer to one or more longitudinal surrounding ends of the pad.”

In the outstanding Office Action, the Examiner states that the Applicants’ argument that Wierlacher fails to show the claimed positioning of the fingertip openings relies upon features that are not recited in the rejected claims, “*i.e.*, fingertip openings formed by unbonded portions on left and right side edges of the interlabial pad.” The Applicants respectfully disagree, and submit that claim 17, as previously amended in a Response to the October 31, 2007 Office Action, does in fact claim the lateral positioning of the fingertip openings formed by the unbonded portions, reciting:

“a pair of unbonded portions located at a rear surface side of the interlabial pad on left and right side edges near a central area along a longitudinal axis of the interlabial pad; a first fingertip insert opening formed by one pair of the unbonded portions and arranged between the rear surface side sheet and the holding member; a second fingertip insert opening formed by the other of the pair of unbonded portions and arranged between the rear surface side sheet and the holding sheet member;”

(underlining added for emphasis).

As claimed, the fingertip openings are formed by unbonded portions that are positioned on the left and right sides of the interlabial pad; accordingly, the fingertip openings must also be positioned on these right and left peripheral side edges (thereby rendering the openings laterally opposed).

The Examiner further states that the series of loops disclosed by Wierlacher constitutes loops in succession, which meets the claim limitations associated with the Applicants’ unbonded portions.

The Applicants respectfully disagree. The Examiner also states that “because the handling aid [of Wierlacher] stretches across the central region towards the longitudinal side edges of the article, it is reasonable to assume the series of loops would also be oriented across the central region towards the longitudinal side edges” (emphasis added).

The Applicants’ claimed fingertip openings and Wierlacher’s handling aid(s) do not stretch in the same direction. Specifically, each of the pair of the Applicants’ claimed fingertip openings stretches across a peripheral side edge located near a central area along the longitudinal axis, and towards the longitudinal surrounding ends. Wierlacher does not teach that the fingertip openings stretch across a peripheral side edge towards the longitudinal surrounding ends, but rather that they stretch in a perpendicular direction, across the central region and towards the longitudinal side edges (See, e.g., Wierlacher, Figs. 6 - 9). As a consequence of the positional orientation of the Applicants’ claimed fingertip openings, an inserted finger is directed towards the central region and perpendicular to the longitudinal axis. To the contrary, the positional orientation of the fingertip openings (handling aids) taught by Wierlacher directs an inserted finger to extend towards a longitudinal surrounding end and parallel to the longitudinal axis. Thus, the Applicants respectfully submit that the positioning of the claimed fingertip openings is not taught by Wierlacher.

While the Applicants submit that claim 17, as previously amended, recites the lateral positioning of the fingertip openings, the Applicants have further emphasized this feature of the claimed invention by amending independent claim 17 to recite:

17. An interlabial pad having a longitudinal axis and a lateral axis, comprising:
  - an absorbent body for absorbing body fluids;
  - a surface side sheet and a rear surface side sheet enclosing said absorbent body;

a holding sheet member lapped on the rear surface side sheet, the holding sheet member having bonded portions of the rear surface side sheet provided near each of two longitudinal surrounding ends of the interlabial pad and a pair of laterally opposed unbonded portions located at a rear surface side of the interlabial pad on left and right peripheral side edges near a central area along a longitudinal axis of the interlabial pad; wherein ends of the unbonded portions meet ends of the bonded portions along the peripheral side edges;

a first fingertip insert opening formed by one of the pair of unbonded portions and arranged between the rear surface side sheet and the holding sheet member;

a second fingertip insert opening formed by the other of the pair of unbonded portions and arranged between the rear surface side sheet and the holding sheet member; and

a folding guide element along the longitudinal axis provided to form a convex protruding area linearly and continuously over the entire length of the longitudinal axis when the holding sheet member is pinched via the first and second fingertip insert openings.

The Applicants respectfully submit that the amendment to claim 17 further establishes the novelty of the claimed features of the invention over Wierlacher.

Furthermore, the Applicants submit that Wierlacher, with or without the addition of Farris, fails to teach or suggest first and second fingertip insert openings as claimed by the Applicants' amended independent claim 17. Accordingly, the Applicants respectfully submit that amended independent claim 17 is neither anticipated nor made obvious by either of these references, and stands in condition for allowance.

As claims 19 - 27 each depend either directly or indirectly from allowable independent claim 17, the Applicants submit that dependent claims 19 - 27 are also allowable for at least this reason.

Therefore, the Applicants respectfully request that the rejections of claims 17 and 19 - 27 under 35 U.S.C. §§ 102, 103 be withdrawn.

**CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

The Examiner is respectfully requested to contact the undersigned at the telephone number indicated below if the Examiner believes any issue can be resolved through either a Supplemental Response or an Examiner's Amendment.

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Respectfully submitted,

By C. Bell 44528  
Louis J. DePuidice  
Registration No.: 47,522  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
(212) 527-7701 (Fax)  
Attorneys/Agents For Applicants